

REMARKS

Claims 1-20 are pending in this application.

Claims 1-20 have been rejected.

Claims 1, 13 and 14 have been amended as shown above.

Reconsideration of Claims 1-20 is respectfully requested.

I. 35 U.S.C. § 103 – Obviousness

In the June 1, 2004 Office Action the Examiner rejected Claims 1-20 under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 4,870,484 to Sonehara (“*Sonehara*”) in view of United States Patent No. 6,213,615 to Siitari (“*Siitari*”). The Applicants respectfully traverse these rejections.

During *ex parte* examinations of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of non-obviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 USPQ 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. MPEP § 2142.

For the reasons set forth below the Applicants respectfully submit that the Patent Office has not established a *prima facie* case of obviousness with respect to Claims 1-20.

The Applicants respectfully direct the Examiner's attention to Claim 1. Claim 1 sets forth unique and novel claim elements.

1. (Currently Amended) An assembly comprising:
a display device provided with a pattern of pixels associated with color filters, and
an illumination system for illuminating the display device,
said illumination system comprising a light-emitting panel and at least one light source, said light source being associated with the light-emitting panel,
the light source comprising at least three light-emitting diodes having different light-emission wavelengths,
said light-emitting diodes being associated with the color filters,
said illumination system operable to drive the at least three light-emitting diodes to separately control the intensity of light emitted in at least one of said different light emission wavelengths and thereby change a color temperature and illumination level of a picture to be displayed by the display device. (*emphasis added*)

The *Sonehara* reference describes a color display device that associates a pixilated liquid crystal light shutter with color filters in order to modulate light from a light source. *See Sonehara, Fig. 2A; col. 3, lines 11-27.* As acknowledged in the June 1, 2004 Office Action, *Sonehara* does not teach controlling light-emitting diodes of a light source to change a color temperature of a picture to be displayed. The Applicants respectfully submit that neither does the *Sonehara* reference describe controlling light-emitting diodes of a light source to change an illumination level of a picture to be displayed, as recited in amended independent Claim 1. The only control of the illumination level of the color display in *Sonehara* is the liquid crystal light shutter. *See Sonehara, Abstract, lines 3-5.*

Similarly, the *Siitari* reference shows a back-lit liquid crystal display whose color temperature is set by balancing the relative brightness of two background light lamps having different color temperatures. *See Siitari, col. 3, lines 8-10.* However, *Siitari* teaches that the brightnesses of the two background light lamps are adjusted to keep the total brightness the same as either lamp's individual brightness. *See Siitari, col. 3, lines 12-18.* Thus, the *Siitari* reference actually teaches away from changing the illumination level of the display device by separately controlling the intensity of light emitted in different light emission wavelengths, as recited in amended independent Claim 1.

Independent Claims 1, 13, and 14 each recite an "illumination system" that is operable to drive at least three light-emitting diodes to change a "color temperature and illumination level" of one or more pictures to be displayed by a "display device." The Applicants respectfully submit that the *Sonehara* and *Siitari* references, either alone or in combination, do not disclose, suggest or hint at all the claim limitations of independent Claims 1, 13 and 14 as amended.

Accordingly, the Applicants respectfully request withdrawal of the § 103 rejections and full allowance of independent Claims 1, 13, and 14 (and their dependent claims).

II. **CONCLUSION**

The Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. The Applicants reserve the right to submit further arguments in support of their above stated position, as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invention the invention, and the like, should that become necessary.

SUMMARY

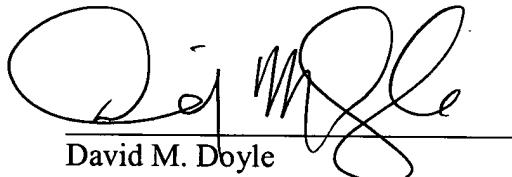
For the reasons given above, the Applicants respectfully request reconsideration and allowance of pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *ddoyle@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 10/1/09



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